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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/723,161      | 11/27/2000  | Satoshi Esaka        | FUJZ 18.001         | 4217             |

7590 10/08/2003

Helpgott & Karas, P.C.  
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Empire State Building  
New York, NY 10118-6098

EXAMINER

NGUYEN, HUY D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|          | 2681         |

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/723,161             | ESAKA, SATOSHI      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Huy D Nguyen           | 2681                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 November 2000.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bufferd et al. (U.S. Patent No. 5,706,330).

Regarding claims 1, 3, Bufferd et al. disclose a mobile communication system comprising: a mobile terminal, a mobile exchange having a database for holding accounting information of the mobile terminal, and a mobile terminal controller, provided in an offerer of pay facilities, for transmitting dummy or random location information to the mobile terminal carried by a user of the pay facilities, for connecting a call to the mobile exchange to provide the mobile exchange with user information when the mobile terminal transmits a location registration demand message with the user information in response to the location information, for notifying the mobile terminal of the user information when the mobile exchange retrieves the user information in the database, and for providing the database with accounting information of a facilities rate [col. 2, lines 48-67, col. 3, lines 1-11].

Regarding claims 4-5, 9, Bufferd et al. disclose the mobile communication system as claimed in claim 1 wherein the mobile exchange has means for storing which mobile exchange's database holds which user information, and means for retrieving a database of another mobile exchange which holds the user information from the storing means to demand the other mobile

exchange to retrieve the user information when the mobile exchange can not retrieve the user information from its database [col. 9, lines 56-64].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6-8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bufferd et al. in view of Brendzel et al. (U.S. Patent No. 5,706,031).

Regarding claims 2, 6, 10-11, Bufferd et al. fail to teach means for transmitting the location information when an interruption of a light source by a user of the mobile terminal occurs and for suspending the transmission when the user information is received. Brendzel et al. teach position detection using a light source and a photo transistor [col. 3, lines 29-55]. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the position detection technique as disclosed in Brendzel et al. in the system of Bufferd et al. for convenience.

Regarding claim 7, the examiner takes official notice that display means is well known in the art. for user's convenience.

Regarding claim 8, the examiner takes official notice that password inputting means and password checking means are well known in the art and used for security purpose.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Keller et al. (U.S. Patent No. 6,496,689) teach incucation of charging information using the ussd mechanism.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6750.

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*Sinh Tran*  
SINH TRAN  
PRIMARY EXAMINER